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**LIVE- IN- RELATIONSHIP- A COMPARATIVE ANALYSIS OF SOCIO-  
LEGAL STATUS OF WOMEN**- Rani Saroj<sup>1</sup>**Abstract**

In Indian society, the idea of "live-in relationships," which permit cohabitation without marriage, is becoming more widely accepted. It has different duties, legal ramifications, and issues even though it is not recognised as a marriage. The Supreme Court has created rules to control these interactions because no explicit legislation exists. This article examines the legal challenges women face in live-in relationships and the protections afforded by the current legal system. Although the Domestic Violence Act of 2005 offers some protection to women in these kinds of situations, more has to be done to acknowledge and safeguard their rights. This paper analyses the rights and remedies available to female partners in live-in relationships and identifies the existing legal loopholes. By exploring relevant court judgments and legal provisions, this study suggests measures for better safeguarding the rights of aggrieved females in live-in relationships.

**Index Terms-** Marriage, Relationships, Women, Aggrieved, Domestic Violence.

**Introduction**

When two heterosexual people decide to live together without pursuing a formal institution like marriage, this is known as a live-in relationship. In the West, the idea of a live-in partnership is common. In India, this idea is familiar; it was brought over from elsewhere. This is being taken as an alternative to marriage, especially in metropolitan cities. Marriage unites a pair for life on Earth as well as for eternity. A married person fulfils his responsibilities to the outside world and lives a whole life. The perfect family consists of a husband, wife, and their children. Because the

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globe is a global community, ideas, cultures, technologies, beliefs, and other things are exchanged. People choose new family formation options, such as live-in relationships.<sup>2</sup>

Currently, the law is unclear about the status of such a relationship, though a few rights have been granted to prevent the partners' gross misuse of the relationship. India is a nation that takes pride in its fantastic culture and customs. Living together as a couple without the sacrament of marriage is frowned upon. Despite the recent ruling by the Supreme Court that a man and woman living together without being married is not illegal, people in "living relationships," particularly women, nonetheless confront several societal issues.

Society generally treats them as outcasts. Women in such relationships are mostly found at the darker end, and they face social stigma as this relationship has not yet been awarded the stamp of social acceptance, and they are looked at with scorn. When a relationship ends, they usually have to deal with the issue of losing their respect and reputation and the possibility of leading a good and polite life. Additionally, this connection needs more stability due to the absence of accountability.<sup>3</sup> The most crucial factor in determining a good marriage is not how long a couple has been together but how happily each has been living. Although maintaining a live-in relationship may seem simple and fashionable, such a lifestyle may go against societal norms and morals. In Western countries, there is a comprehensive and broader acceptance of a couple in a relationship.

However, in India, it is different. Notably, the Indian Apex Court has declared that "A woman and a man living together is a choice and lies under the right to life" in situations involving specific live-in relationships. As a result, it can be seen as lawful and not a crime.

The boundaries of a live-in partnership need to be clarified. India needs more particular legislation on this topic instead, the country's laws are found in the rulings of esteemed Supreme

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<sup>2</sup>Saloni Narula Khanna, Dr. Gagandeep Kaur, Live-in-Relationship in India: A Comparative Study, <http://www.researchgate.net>. (visited on 7 November 2023).

<sup>3</sup>Utkarsh Bhatnagar, Live-in-Relationship: Women and Their Social Right, <https://www.academia.edu>>utkarsh (Visited on 10 November 2023).

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Court and High Court judges regarding the rights of women in live-in relationships, and the legislation needs to be clarified.

### **Causes of Live-In-Relationship**

Because of their social and moral beliefs, India's middle class is not particularly fond of live-in relationships; instead, persons in upper and lower social classes are more likely to engage in them. Marriages conducted by the law and religion establish obligations and rights that are difficult to dissolve. However, in a cohabiting couple, it may be. Higher-class people do not bother about social or moral criticism and enjoy freedom due to their monetary standards.<sup>4</sup> Similarly, it relates to middle-class people, who, with their monetary problems, prefer to live in relationships and enjoy their personal lives.

Hence, we can say that for pleasure and having no responsibilities, money plays a crucial role irrespective of disregarding the age-old Indian sociocultural and moral values.

People choose to go for a relationship for the following reasons they are as follows: -

- They may want to test their compatibility before they commit to a legal union.
- They may want to maintain their single status for financial reasons.
- Live-in relationships are chosen when the parties cannot lawfully be married to one other due to factors such as the continuation of a prior marriage, same-sex relationships, or the prohibition of interracial or interreligious marriages.
- The partners may feel the marriage is unnecessary.
- Free from social values.
- A live-in relationship gives the time to create a strong bond and grow more fond of each other.
- Sharing of equal responsibilities and financial security before marriage.

Some individuals also may choose cohabitation because they see their relationship as being private and personal matters and not to be controlled by political, religious or patriarchal institutions. It is also a way for polygamists to avoid breaking the law.<sup>5</sup>

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<sup>4</sup>Dr. Sangeeta Chatterjee, Legal Recognition of Live-In Relationship: An Emerging Trend of Social Transformation in India, <https://ir.nbu.ac.in>. (Visited on 29 November 2023).

<sup>5</sup>Ibid.

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## Relationship and Women's Rights

A live-in relationship is a relationship with an informal arrangement between two heterosexual persons who live together without entering into the formal institution of marriage. This is a very famous Western concept and is imported to India. The legal definition of a *live-in relationship* is "An arrangement of living together under which the unmarried couples live together to conduct a long-term relationship similarly as in marriage."<sup>6</sup>A relationship is an arrangement in which a man and a woman live together without getting married. Live-in relationships are becoming a substitute for marriage in metropolitan cities among the young generation in which individual freedom is the top priority, and nobody wants to get entangled in the typical responsibilities of a married life. The *Cambridge dictionary* defines it as "two people cohabit in the same house and have a sexual relationship, but are not married".<sup>7</sup>

Indian law does not provide any specific law to clarify the rights and obligations of the parties in a live-in relationship. The status of the children born during such a relationship is also unclear. Therefore, the court has clarified live-in relationships through various judgments. The court has said that any man and woman cohabiting for a long term will be presumed as legally married under the law unless proven contrary.<sup>8</sup>The court decides the right to maintain a live-in relationship in accordance with the Domestic Violence Act of 2005 and the individual facts of the case. Our society is still not in a position to accept live-in relationships, but our law, through the Protection of Women from Domestic Violence Act 2005, provides for the protection and maintenance, thereby granting the right of alimony to an aggrieved live-in partner.

In India, living in relationships has been taboo since the British period. However, this thinking is changing and is only partially true amongst young couples in big cities like Bangalore, Mumbai, Delhi, etc. In our country, no law deals with the concept of live-in relationships, and one cannot deny that maintaining such relationships invites loads of unwanted attention and trouble. However, our courts have given specific recognition to such relationships. The government has taken various measures for the past few years (especially after the intervention from the

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<sup>6</sup><http://www.thegeminigeek.com/what-is-live-in-relationship/> (Visited on 2 January 2024).

<sup>7</sup><http://dictionary.cambridge.org/dictionary/english/live-in> (Visited on 20 January 2024).

<sup>8</sup>Dr. Parminder Kaur, Live-in relationship: A new paradigm in Indian matrimony, Journal Army Institute of law, Volume iv, 2011(Visited on 22 dec 2023).

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judiciary) to protect the interest of female partners. In one such move, the government extended economic rights to women in life through the Protection of Women from Domestic Violence Act 2005.

The Act recognises "relationship in the nature of marriage" and protects female partners from domestic violence. Such partners can claim monetary and other reliefs under the Protection of Women from Domestic Violence Act 2005.<sup>9</sup> There is an immediate need for legislation on live-in relationships as it is growing in our society. People are getting affected, and the men's class is misusing it as a tool for their sexual benefit, so to protect women from the wrongs and illegal acts of another partner, we need to pass and amend legislation as soon as possible.

### **Law Relating to Relationships in Other Countries- A Comparison Study**

The Supreme Court of India acknowledges that the right to live together is a part of the right to life under Article 21 of the Constitution of India. Although around the world, the idea of a live-in relationship is stated by many names and is governed by various legal frameworks. In many countries, live-in partnerships are referred to as "cohabitation." It is seen as the same as cohabitation outside of marriage. Non-marital cohabitation is a situation in which two unmarried individuals live together in a close relationship, especially one that is fervently and or sexually intimate, over an extended period. Since many of its supporters hassled the need to safeguard women and children, single cohabitation was viewed as undesirable and outlawed as well. In *the Fenton v. Reeds*<sup>10</sup> case, the court applied the common law marriage doctrine and recognised long-term cohabitation as marriage. The California Supreme Court in *Marvin v. Marvin*<sup>11</sup> held that unmarried couples may enter into written and oral contracts that cover rights frequently associated with marriage. In the United States of America, the expression 'palimony' was coined,

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<sup>9</sup><http://www.livelaw.in/women-live-relationships-entitled-maintenance-akin-legally-wedded-wives-punjab-haryana-hc/> (Visited on 30 December 2023).

<sup>10</sup> Johns. 52 (N.Y. Sup.ct. 1809).

<sup>11</sup>Marvin v. Marvin 18 Cal (1976).

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meaning a grant of maintenance to a woman who has lived extensively with a man without marrying him and is then abandoned by him.<sup>12</sup>

**FRANCE-** In France, a law known as "Civil Solidarity Pacts," or "pacte civil de solidarité," or PaCS, was approved by the National Assembly of France in October 1999 and permitted couples to get married by signing in front of a court clerk. In order to manage their joint life, the contract connects "two adults of different sexes or the same sex" and grants them access to the income tax, housing, and social welfare benefits granted to married couples. Revocation of the contract can occur unilaterally or bilaterally, provided written notice of three months' notice is given to the partner.<sup>13</sup>

**AMERICA-** Cohabitation was illegal in the United States prior to 1970 but went on to gain status as a common law subject to specific requirements. American legal history was then a witness to several consensual sex legislations, which flagged the way living together contracts and their cousins, the 'prenuptial agreements'. The country later institutionalised cohabitation by giving cohabiters essentially the same rights and obligations as married couples, similar to Sweden and Denmark. Those living together are not recognised as legal parents.

**SCOTLAND-** Family Law (Scotland) Act, 2006 Sec 25(2), for the first time recognised and in the progression by default legalised, live-in relationships of over 150,000 cohabiting couples in the country. The court shall have regard:

- The length of the period during which they lived together
- The nature of the relationship during that period and

The nature and extent of any financial arrangements. In case of relationship failure, a cohabitant has the right to apply for monetary support in a court of law. Sec 28 of the Act above gives cohabitators the authority to apply for financial maintenance in case of cohabitation breakdown

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<sup>12</sup>Kumud Mehra, Dr. Ashish Verma, Dr. Shalini Saxena, A Comparative Analysis of Law Relating to Live-in Relationships in Different Countries: How Justified Is It to Recognise Live-In Relationships In India Also? <https://www.researchgate.net/pub> (Visited on 10 dec2023)

<sup>13</sup>Wazida Rahman, Live-in-Relationship And Status Of Women In India, <https://ijlljjs.in.com>. (Visited to 12 dec 2023).

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or death. In case of a cohabitor dying intestate, the other partner can claim financial help within six months.

**CANADA-** Living together is accepted as a Common Law partnership in Canada. This means that a common-law relationship is one in which two people live together in a way that is legally similar to marriage for the length of time settled by the law. About 40% of women between the ages of 25 and 30 in the Canadian province of Quebec lived together in 2006. Either the same gender or the opposing gender can be in a marriage-like relationship.<sup>14</sup>

**PHILIPPINES-** The Philippines is unique because non-marital cohabitation is not entirely new. The number of registered marriages in the Philippines has declined considerably in the last decade. Data from the World Values Survey reveal that the proportion of Filipinos who did not want unmarried couples living together as their neighbours declined from 22 per cent in 2012 to 16 per cent in 2019. Several factors may have contributed to the changes in attitudes toward marriage and cohabitation in the country. An increase in non-marital cohabitation may have offset this decline.<sup>15</sup>

Only those nations from India have the authority to enact these kinds of laws.

Contrary to other countries, India is a place of several different religions with exclusive cultures and traditions, which convey different standards about unmarried cohabitation and non-marital sex. In such circumstances, reaching a cordial consensus on legalising live-in relationships in India could result in a significant repercussion that could worsen divergence among the society's intolerant and open-minded segments. However, at the same time, this fact can also not be denied that India is slowly opening its doors and openhearted Western culture by which the dynamics of Indian society are changing constantly. One prominent example of decriminalisation of same-sex intercourse is a big step towards legalising and paving the way for same-sex marriages in India<sup>16</sup> as well. In such a way, why can there not be a law that also legally

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<sup>14</sup>Ms. Ashwini D'Souza, Comparative Analysis on Live- in Relationship in Socio-Legal Context, <https://www.ijlmh.com/> (visited on 1 January 2024).

<sup>15</sup>*Ibid.*

<sup>16</sup>Navtej Singh Johar v. Union of India AIR 2018 SC.

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recognises Live-in relationships in India? Law is often described as a tool for social change, evolving to meet the demands of the times.<sup>17</sup>

Legalising cohabitation and the rights of women and children living in that arrangement, living together as husband and wife in a relationship without getting married, is becoming more communal among young people, particularly in town areas. Living together is more straightforward for both parties than getting married since it relieves them of some responsibilities. Women frequently feel offended in relationships since they are often involved in such tumultuous ones. In India, it is a hot topic, and it appears that enacting a well-structured law that defines cohabitation in detail and establishes a clear regulatory framework that defines the boundaries of relationships that are considered marriage may garner the support of the Indian populace.

### **Critical Analysis of the Relationship**

Living together without a legal marriage was unacceptable in Indian culture, and the concept of premarital sex and live-in relationships was viewed as highly immoral and condemned—for example, one of the famous cases. However, as awareness of freedom, privacy, work, social standing, globalisation, and education has grown, western cultural influences have paved the way for significant change, and these long-held beliefs are slowly disappearing. Whatever the row regarding the live-in relationship, and however one can say that it deliberates equal benefit to both the man and the woman, it is realised that a woman is often in a detrimental position in a live-in relationship.

In September 2019, a bench of Rajasthan State Human Rights Commission even termed such relationships against the dignity of women and made a recommendation to enact a law against it. Such relationships lead to multiple social and logistic problems in today's lives. For, the recent case of Delhi murder case of 26-year-old *Shraddha Walker* has sent shock waves across the country. The way her live-in partner, Aftab Poonawala, killed and disposed of her body parts

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<sup>17</sup>Navtej Singh Johar v. Union of India AIR 2018 SC.

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over months has terrified all of us. This gruesome murder, where the accused cut his girlfriend into 35 pieces and stored them in the refrigerator, has led to several "Love-Jihad".<sup>18</sup>

Other issues where the partners may face legal hurdles while opening a joint bank account, visas, insurance, hospital visitation, etc. The other drawback is that the children born out of such wedlock are prone to mental trauma and may face ample problems in society. There is no appropriate response if someone were to inquire about the pros and cons of a live-in relationship. Observing things from a different perspective will undeniably depend on the person and his or her personality. The Indian legal system has not even reached the point where statutes about the same subject are correctly implemented, notwithstanding the growing notion of cohabitation. The Indian judiciary has occasionally provided guidelines, but other than that, no appropriate laws, rules, or regulations exist that address this idea. It renders the current idea ambiguous and unhelpful.<sup>19</sup>

## Conclusion

Most live-in couples come from media, entertainment, and modelling industries. Relationships are becoming more contractual and cross-cultural, so mutual expectations are becoming more explicit. Only some people choose these kinds of partnerships because some think marriage is a bad idea. Hence, it has become a very practicable option for some couples. Though Indian society has theoretically recognised live-in Relationships, it has not practically accepted them. Social non-acceptance may become the main reason for the failure of legal recognition.

A specific legislation defining the four parameters of a live-in relationship is required. The Supreme Court Guidelines can only fully guarantee the rights of partners in a live-in relationship if and when there is an express statutory acknowledgement of the relationship, which includes societal approval. In the foreseeable future, such rights will be better protected. Finally, because

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<sup>18</sup>By Varsha, Rights of A Woman In A Live-In Relationship In India, <https://bnblegal.com>>Article. (visited on 2 January 2024).

<sup>19</sup>Ms. Ashwini D'Souza, Comparative Analysis on Live- in Relationship in Socio-Legal Context, <https://www.ijlmh.com>. (visited on 7 January 2024).

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of India's usual traditional sociocultural context, it is difficult to prove that this connection is a countering force to marriage in India.



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